

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SAVE OUR COUNTY, COMMUNITY IN-)
POWER AND DEVELOPMENT)
ASSOCIATION INC., UNITED) Case No. 4:21-CV-01861
CONGREGATIONS OF METRO EAST, and)
SIERRA CLUB,) Judge: David A. Ruiz
)
Plaintiffs,)
)
v.) **JOINT STATUS REPORT**
)
)
UNITED STATES DEFENSE LOGISTICS)
AGENCY, MICHELLE C. SKUBIC, in her)
official capacity as Director of the Defense)
Logistics Agency, UNITED STATES)
DEPARTMENT OF DEFENSE, LLOYD J.)
AUSTIN III, in his official capacity as)
Secretary of the Department of Defense, and)
HERITAGE ENVIRONMENTAL)
SERVICES, LLC,)
)
Defendants.)
)

Pursuant to this Court’s February 28, 2022 order, Plaintiffs Save Our County, Community In-Power and Development Association Inc., United Congregations of Metro East, and Sierra Club (collectively, “Plaintiffs”); Defendants U.S. Defense Logistics Agency, Michelle C. Skubic, in her official capacity as Director of the Defense Logistics Agency, U.S. Department of Defense, Lloyd J. Austin III, in his official capacity as Secretary of the Department of Defense (collectively, “Federal Defendants”); and Defendant Heritage Environmental Services, LLC (“Heritage”) submit this joint status report:

1. Pending Motions: The following motions are fully submitted and ripe for the Court's consideration:

- a. Plaintiffs' Motion to Supplement the Administrative Record (filed November 19, 2021, ECF No.106),
- b. Plaintiffs' Motion for Summary Judgment (filed November 19, 2021, ECF No. 107),
- c. Federal Defendants' Motion to Strike (filed December 17, 2021, ECF No. 109), and
- d. Federal Defendants' Cross-Motion for Summary Judgment (filed December 17, 2021, ECF No. 110).

Heritage has joined Federal Defendants' Motion to Strike and Cross-Motion for Summary Judgment (ECF No. 111-112). Plaintiffs have requested oral argument on all pending motions.

2. Status of discovery: This case arises under the Administrative Procedure Act ("APA") and does not involve any discovery.

3. Settlement and/or mediation: The Parties are not engaged in or seeking settlement or mediation. No portions of any claims have been settled, and the parties believe that the pending, dispositive motions will provide the most efficient resolution of this case.

4. Upcoming conferences: There are no currently scheduled conferences.

5. Other matters: This case has been fully briefed, and the Parties believe the next step is for the Court to issue a ruling on the pending motions or to schedule oral argument.

Respectfully submitted on March 10, 2022.

/s/ James Yskamp

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**Admitted Pro hac vice*